UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS **EL PASO DIVISION**

(a) **EMILIO GUTIERREZ-SOTO and OSCAR GUTIERREZ-SOTO,** Petitioners, v. EP-18-CV-00071-DCG JEFFERSON SESSIONS III, in his official capacity as Attorney General of the United States: KIRSTJEN NIELSEN, in her official capacity as Secretary of U.S. Department of Homeland Security; THOMAS HOMAN, in his official capacity as Director of U.S. Immigrations and Customs Enforcement; WILLIAM JOYCE, in his official capacity as Acting El Paso Field Office Director for U.S. Immigration and Customs Enforcement; and UNITED STATES DEPARTMENT OF

HOMELAND SECURITY,

Respondents.

ORDER DENYING MOTION TO CONTINUE

Presently before the Court is Respondents' "Opposed Motion for Extension of Time" (ECF No. 40) filed on July 16, 2018. Therein, Respondents request that the Court continue the evidentiary hearing currently scheduled for August 1, 2018, until August 13, 2018, because Respondent William P. Joyce ("Mr. Joyce") is on leave out of the state and the sole caretaker for his child. Mot. at 2. The Court is sympathetic to Mr. Joyce's circumstances, but the Court also agrees with Petitioners that time is of the essence. Therefore, if Mr. Joyce cannot make it to El Paso for the evidentiary hearing, the Court will permit him to testify by video at the nearest federal courthouse in New York on the date of the hearing.

Accordingly, **IT IS ORDERED** that Respondents' "Opposed Motion for Extension of Time" (ECF No. 40) is **DENIED**.

So ORDERED and SIGNED this 17 day of July 2018.

DAVID C. GUADERRAMA

UNITED STATES DISTRICT JUDGE